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   Philip A. Seplow, Esq.
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   (602) 254-8817
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   Shadow Counsel for Defendant
6
                    IN THE UNITED STATES DISTRICT COURT
7
                             DISTRICT OF ARIZONA
8
   United States of America,
                                      Case No. CR 08-0814-PHX-DGC
9
                    Plaintiff,
                                      MOTION TO CONTINUE TRIAL
10
              VS.
                                      (22nd Request)
   Daniel David Rigmaiden,
11
12
                    Defendant.
13
              COMES NOW the Defendant, Daniel David Rigmaiden, by and
14
15
   through his undersigned shadow counsel, and respectfully moves to
   continue the trial (22<sup>nd</sup> request) in this matter presently set for
   the 13th day of July, 2013, for a period of ninety (90) days and
   extend the deadline for pretrial motions an equal amount of time.
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   The defendant also requests that the status conference set for
   August 29, 2013 be continued for forty-five (45) days from that
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The parties are still conferring on the matters that the Court wishes to discuss at the next status conference. The parties are also attempting to resolve the seized data deletion issue. Additionally, the defendant is still waiting for his defense to begin interviewing trial witnesses from the defendant's list of names and explanations of relevance. Witnesses need to be interviewed before the defendant can prepare a firm trial defense.

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22

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date.

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The government has no objection to this request. 1 2 For the reasons stated above, a continuance of at least 3 ninety (90) days is requested. 4 Defendant also requests that the Court extend the 5 deadline for filing pretrial motions an equivalent amount of time. 6 Failure to grant the requested continuance would deny 7 the Defendant the reasonable time necessary for effective preparation, taking into account the exercise of due diligence (18 U.S.C.  $\S$  3161(h)(8)(B)(iv)). Further, excludable delay is necessitated due to the existence of novel questions of fact and 10 law and additional time is necessary for adequate preparation for 11 pretrial proceedings and for the trial itself (18 U.S.C. § 3161(h)(7)(B)(ii)). 13 This Motion is filed pursuant to Defendant's request and 14 15 with his authorization. 16 Excludable delay under 18 U.S.C. § 3161(h)(7) will occur as a result of this Motion or from an Order based thereon. 18 RESPECTFULLY SUBMITTED this 8th day of June, 2012. 19 PHILIP A. SEPLOW, ESQ. 20 21 By: s/Philip A. Seplow Philip A. Seplow, Esq. 22 Attorney for Defendant 23 24 25 26 27 28

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1	CERTIFICATE OF SERVICE
2	X I hereby certify that on August 12, 2013, I electronically
3	transmitted the attached document to the Clerk's Office using the CM/ECF System for filing and transmittal of a Notice of Electronic Filing to the following CM/ECF registrants:
4	
5	Frederick Battista, Esq. Assistant United States Attorney
6	Attorneys for all codefendants of record
7 8	$\underline{X}$ I hereby certify that on August 12, 2013, I served the attached document by First Class Mail on the following, who are not registered participants of the CM/ECF System:
9	Daniel Rigmaiden
10	Reg# 10966111 CCA
11	P O Box 6300 Florence AZ 85132-6300
12	Defendant pro se
13	S/ Philip A. Seplow
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